

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

U.S. POST OFFICE & COURTHOUSE BUILDING
CINCINNATI, OHIO 45202-3988

JANICE E. YATES
CHIEF DEPUTY CLERK

TELEPHONE
(513) 564-7072

April 12, 2005

Maurice Jouett
#03582-061
Petersburg Medical Center
P.O. Box 90043
Petersburg, VA 234804

Re: No. 03-3214, *United States v. Jouett*

Dear Mr. Jouett,

A copy of the court's decision is enclosed. Counsel's motion to withdraw was granted and the appeal was decided on the merits. The appeal itself is closed and nothing will be filed under the case number.

Sincerely yours,

Janice E. Yates
Janice E. Yates
Chief Deputy Clerk

Enclosure

Exhibit

*The jury
my sentence was: illegally enhanced ~~with~~ using
my prior convictions and the jury
never found me guilty of having
prior convictions*

March 14, 2005

Hon. D. J. Boggs, Chief Judge
6th Cir. Court of Appeals
U.S. Courthouse
100 Fifth Street, Rm. 532
Cincinnati, Ohio 45202-3988

RE: USA V. JOUETT, Docket No 03-3214
NON-NOTIFICATION OF COURT OPINION

Dear Judge Boggs,

I am the appellant in the above styled case. During the appeal my Attorney submitted an ANDERS Brief accompanied by a Motion to withdraw as counsel. (SEE ATTACHED DOCKET SHEET, ITEMS DATED 7/28/03 at p. 4). Thereafter, I filed and submitted a Pro Se Brief after receiving permission to do so. (DOCKET SHEET, ITEM DATED 8/18/03 and 10/27/03 AND 11/20/03).

I then awaited the decision of the Panel on the case. I have only recently become aware that the Court issued a decision on 2/05/04 affirming the lower Court. I recieved no notice of this action by the Court nor was I offered a copy of the decision. I

Exhibit

have been anxiously awaiting the decision so that I might have taken whatever legal options which are available should I have desired to do so. However, this was not possible due to incomplete service.

It appears from the Docket Sheet that the Clerk of the Court failed to add my name as a party to be served after I appeared as a Pro Se litigant. Thus, when the time came for notice to parties of the decision I was not served. The Notice to my Appellate Counsel, Mr. Gallagher, was insufficient as he had already moved to withdraw and had ceased contact with me. (SEE DOCKET SHEET AT p. 2).

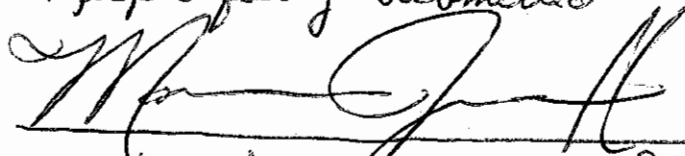
I have written the Court Clerk and am awaiting a response on a request for a copy of the decision. This, however, will not allow me to avail myself to a Motion for Rehearing and/or Rehearing En Banc, and if such is denied to seek review by the U.S. Supreme Court. The time for making such request has long expired.

The remedy I am asking is that the current decision be vacated and re-entered and I be allowed to proceed from the date of the new order in whatever manner I think appropriate. I ask that the Court treat this letter as such Motion for Belated Appeal.

As noted below, I am making service of this letter on all appropriate parties listed on the

attached docket Sheet for whatever response they care to submit.

Your attention to this matter is appreciated.

Respectfully Submitted


MAURICE JOUETT Appellant Pro Se
03582-061

Federal Correctional Complex
P.O. Box 90043
Petersburg, VA 23804

CC: ATTORNEYS OF RECORD

ATTY. FOR USA

Amul R. Thapar
U.S. ATTORNEY OFFICE
221 E. FOURTH STREET
Atrium II Building
CINCINNATI, OH 45202

ATTY. FOR APPELLANT

William R. Gallagher
ARENSTEIN + GALLAGHER
114 E. EIGHTH STREET
CINCINNATI, OH 45202

March 1, 2005

Mr. Leonard Green (The clerk)
~~The clerk~~

U.S. Court of Appeals (6th circuit)
100, E. 5th Street RM. 532
Cincinnati, OH 45202

Sir/Madam:

Ref: U.S. v. Maurice Jouett
#03-3214.

Dist # 0648-1:02-00074.

I am the pro-se litigant in the above referenced case.

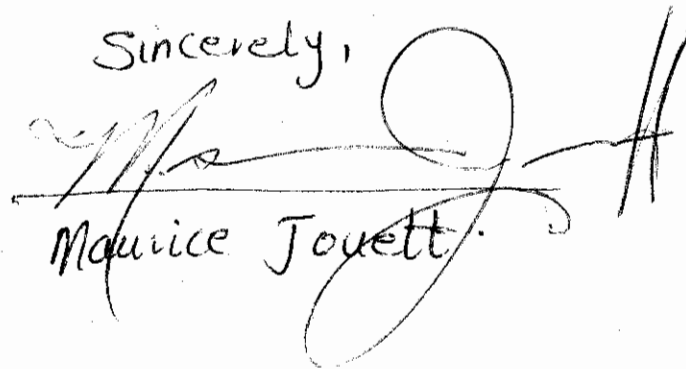
An order was issued by your court in respect of my case, on Feb. 5, 2004. As of today, I have not been able to receive a copy of that order.

At your earliest convenient time, could you please send me a copy of that order.

Your prompt attention to this matter would be appreciated.

Thank you in advance.

Sincerely,


Maurice Jouett.

Exhibit

03-3214

03-3214

Court of Appeals Docket #: 03-3214
Nsuit: 0
USA v. Jouett

Filed: 2/12/03

Appeal from: Southern District of Ohio at Cincinnati

Case type information:

- 1) criminal
- 2) Sen & Cnv Appeal--after 10/87
- 3)

Lower court information:

District: 0648-1 : 02-00074
Court Reporter: Mary Ann Ranz
Court Reporter: Betty J. Schwab
Date Filed: 6/19/02
Date order/judgment: 1/23/03
Date NOA filed: 2/3/03


Fee status: in forma pauperis

Prior cases:

None

Current cases:

None


Maurice Jouett
4/14/05

Exhibit

City / County of Hopewell
Commonwealth/State of VA
The foregoing instrument was acknowledged
before me this 14 day of April,
2005, by
Maurice Jouett
(Name of person seeking acknowledgement)
Notary Public
My commission expires: 04/30/06

UNITED STATES OF AMERICA
Plaintiff - Appellee

Amul R. Thapar
FTS 684-6385
513-684-3711
[COR LD NTC gvt]
U.S. Attorney's Office
221 E. Fourth Street
Atrium II Building
Cincinnati, OH 45202

v.

MAURICE JOUETT
Defendant - Appellant

William R. Gallagher
FTS 651-5688
513-651-5666
[COR LD NTC cja]
Arenstein & Gallagher
114 E. Eighth Street
Cincinnati, OH 45202

My ? NAME

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

MAURICE JOUETT

Defendant - Appellant

2/12/03 Criminal Case Docketed. Notice filed by Appellant Maurice Jouett. Transcript needed: y. Δ (mmd)

2/13/03 ORDER filed to appoint counsel for William Gallagher [03-3214], to extend time to file appearance form., to extend time to file transcript order form. . Appearance to be filed by 2/27/03 [03-3214] Appearance to be filed by 2/27/03 for William R. Gallagher [03-3214] (mmd)

2/13/03 RULING to appoint William Gallagher counsel under the Criminal Justice Act for appellant. [03-3214] . (cf)

2/18/03 APPEARANCE filed by Attorney Amul R. Thapar for Appellee USA [03-3214] (pjm)

2/27/03 APPEARANCE filed by Attorney William R. Gallagher for Appellant Maurice Jouett [03-3214] (pjm)

3/28/03 TRANSCRIPT ORDER FORM filed by William R. Gallagher for Appellant Maurice Jouett: court reporter Mary Ann Ranz, transcript ordered on 03/27/03 [03-3214] [2718234-1] response due by 4/7/03 for Mary Ann Ranz [03-3214] (blh)

4/18/03 TRANSCRIPT ORDER financial arrangements confirmed by Court Reporter Mary Ann Ranz for Document [2718234-1] transcript involving, William R. Gallagher, Mary Ann Ranz. Date Made: 04/16/03 Est. pp.: 500. [03-3214] (blh)

6/10/03 TRANSCRIPT ORDER completed by court reporter Mary Ann Ranz for Document [2718234-1] transcript involving, William R. Gallagher, Mary Ann Ranz. Number of pages: 490 (5 vols) filed in DC on 6/10/03. [03-3214] (blh)

6/16/03 BRIEFING LETTER SENT setting briefing schedule: appellant brief due 7/28/03 ; appellee brief due 8/27/03 ; appendix due 9/17/03 ; final appellant brief due 10/8/03 . [03-3214] final appellee brief due 10/8/03 ; . (mmd)

7/28/03 Appellant MOTION filed for William R. Gallagher to withdraw as counsel for appellant . Motion filed by William R. Gallagher for Appellant Maurice Jouett. Certificate of service date 7/28/03 [03-3214] (mmd)

9/28/03 ANDERS BRIEF filed by William R. Gallagher for Appellant Maurice Jouett. Copies: 4. Certificate of service date 7/28/03 . Number of Pages: 10. [03-3214] (mmd)

8/1/03 Case referred to staff attorney for possible Rule 34 submission because Appellant's counsel filed motion to withdraw. [03-3214] (mmm)

8/4/03 Record requested from district court. (dac)

8/6/03 Appellant RESPONSE filed regarding a motion to withdraw as counsel ; previously filed by William R. Gallagher . Response from Maurice Jouett . Certificate of service date [03-3214] (mmd)

8/7/03 CERTIFIED RECORD filed . Volumes include 6 Tr; 2 Pl. [03-3214] (dac)

8/18/03 Appellant MOTION filed to file supplemental brief in response to the anders brief. Motion filed by Maurice Jouett. Certificate of service date 8/14/03 [03-3214] (mmd)

8/22/03 LETTER SENT by mmd granting motion to file supplemental brief filed by Maurice Jouett [03-3214] supl. brief due 9/17/03. (mmd)

9/22/03 Appellant MOTION filed to extend time to file supplemental brief . Motion filed by M. Jouett. Certificate of service date [03-3214] (mmd)

9/22/03 RULING granting motion to file supl. brief until 10/17/03 by Maurice Jouett [03-3214] . (mmd)

10/27/03 Supplemental brief filed by pro se appellant Maurice Jouett and served by deputy. Copies: 6. Certificate of service date 10/27/03 . Number of Pages: 16. [03-3214] (vf)

11/20/03 Additional Supplemental brief filed by Maurice Jouett. Copies: 3. Certificate of service date . Number of Pages: . [03-3214] (mmd)

2/5/04 ORDER filed : AFFIRMED [03-3214], pursuant to local rule 34(j)(2)(c) [03-3214] granting motion to withdraw as counsel filed by William R. Gallagher [03-3214], decision not for publication pursuant to local rule 28(g) [03-3214] . Alan E. Norris, Circuit Judge, Ronald L. Gilman, Circuit Judge, John M. Rogers, Circuit Judge. (mmd)

2/17/04 Appellant MOTION filed for leave to file an amended anders brief. [2904864-1] . Motion filed by pro se appellant. Certificate of service date 2/12/04 [03-3214] (mmd)

3/1/04 RULING declaring as moot the motion to amend anders brief [2904864-1] filed [03-3214] . (mmd)

3/2/04 MANDATE ISSUED with no cost taxed [03-3214] (rld)

3/3/04 CERTIFIED RECORD RETURNED to lower court at the end of appellate proceedings. [03-3214] . Volumes included: 2 Pl; 6 Tr;. (dac)

3/3/04 Record acknowledgment received from the district court. Acknowledged by: Kendra Jordan. Acknowledgment date: 3/3/04. [03-3214] (dac)

6/23/04 C.J.A. VOUCHER issued. Voucher issued to William R. Gallagher for Appellant Maurice Jouett Voucher due: 8/7/04 for William R. Gallagher [03-3214] (cf)

7/28/04 C.J.A. VOUCHER filed making claim for reimbursement. Document [2977621-1] cja voucher of, William R. Gallagher [03-3214] (cf)

7/28/04 C.J.A. VOUCHER sent to Judge Norris Document [2977621-1] cja voucher of, William R. Gallagher [03-3214] (cf)

9/21/04 C.J.A. VOUCHER sent to the Administrative Office. Claiming compensation: Attorney time: 1530.00 Expenses: 20.25 Total: 1550.25 Document [2977621-1] cja voucher of, William R. Gallagher [03-3214] (cf)